

# SENATE BILL 572

R7

11r0497

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By: **Senators Muse, Benson, Rosapepe, and Young**

Introduced and read first time: February 4, 2011

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Raymond Scott Brown II Vehicle Towing Act**

3 FOR the purpose of providing for the statewide application of certain provisions of law  
4 governing the towing or removal of vehicles from parking lots; requiring a  
5 person who undertakes the towing or removal of vehicles from parking lots to  
6 provide certain notice to certain police departments; altering the time frame  
7 within which a tower is required to provide certain notice to certain police  
8 departments after towing or removing a vehicle from a parking lot; altering the  
9 information that a tower is required to provide to certain police departments  
10 after towing or removing a vehicle from a parking lot; establishing certain  
11 methods by which a tower may provide certain notice to certain police  
12 departments; and generally relating to the towing or removal of vehicles from  
13 parking lots.

14 BY repealing and reenacting, with amendments,  
15 Article – Transportation  
16 Section 21–10A–01 and 21–10A–04  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume and 2010 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Transportation  
21 Section 21–10A–02, 21–10A–03, 21–10A–05, and 21–10A–06  
22 Annotated Code of Maryland  
23 (2009 Replacement Volume and 2010 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article – Transportation**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 21-10A-01.

2 (a) In this subtitle, "parking lot" means a privately owned facility consisting  
3 of 3 or more spaces for motor vehicle parking that is:

4 (1) Accessible to the general public; and

5 (2) Intended by the owner of the facility to be used primarily by the  
6 owner's customers, clientele, residents, lessees, or guests.

7 (b) (1) This subtitle applies only to the towing or removal of vehicles from  
8 parking lots [in Baltimore City or Baltimore County].

9 (2) Nothing in this subtitle prevents a local authority from exercising  
10 any power to adopt ordinances or regulations relating to the registration or licensing  
11 of persons engaged in the parking, towing or removal, or impounding of vehicles.

12 (c) This subtitle does not apply to an abandoned vehicle as defined in §  
13 25-201 of this article.

14 21-10A-02.

15 (a) The owner or operator of a parking lot or the owner's or operator's agent  
16 may not have a vehicle towed or otherwise removed from the parking lot unless the  
17 owner, operator, or agent has placed in conspicuous locations, as described in  
18 subsection (b) of this section, signs that:

19 (1) Are at least 24 inches high and 30 inches wide;

20 (2) Are clearly visible to the driver of a motor vehicle entering or being  
21 parked in the parking lot;

22 (3) State the location to which the vehicle will be towed or removed;

23 (4) State the hours during which the vehicle may be reclaimed;

24 (5) State the maximum amount that the owner of the vehicle may be  
25 charged for the towing or removal of the vehicle; and

26 (6) Provide the telephone number of a person who can be contacted to  
27 arrange for the reclaiming of the vehicle by its owner or the owner's agent.

28 (b) The signs described in subsection (a) of this section shall be placed to  
29 provide at least 1 sign for every 7,500 square feet of parking space in the parking lot.

30 21-10A-03.

1 A vehicle may not be towed or otherwise removed from a parking lot to a  
2 location that is more than 10 miles from the parking lot.

3 21-10A-04.

4 A person who undertakes the towing or removal of a vehicle from a parking lot:

5 (1) May not charge the owner of the vehicle or the owner's agent:

6 (i) More than twice the amount of the total fees normally  
7 charged or authorized by the political subdivision for the impound towing of vehicles;  
8 and

9 (ii) Except as provided in § 16-207(f)(1) of the Commercial Law  
10 Article, more than \$8 per day for storage;

11 (2) Shall notify the police department in the jurisdiction where the  
12 parking lot is located **BY PHONE, FACSIMILE, OR COMPUTER BOTH BEFORE AND**  
13 **within [two hours] 1 HOUR** after towing or removing the vehicle from the parking lot,  
14 and shall provide the following information:

15 (i) A description of the vehicle including the [vehicle's] **MAKE,**  
16 **MODEL,** registration plate number [and], **AND, FOR THE NOTICE MADE WITHIN 1**  
17 **HOUR AFTER TOWING OR REMOVING THE VEHICLE,** vehicle identification number  
18 **OF THE VEHICLE;**

19 (ii) The date and time the vehicle was towed or removed;

20 (iii) The reason the vehicle was towed or removed; and

21 (iv) The locations from which and to which the vehicle was  
22 towed or removed;

23 (3) Before towing or removing the vehicle, shall have authorization of  
24 the parking lot owner which shall include:

25 (i) The name of the person authorizing the tow or removal; and

26 (ii) A statement that the vehicle is being towed or removed at  
27 the request of the parking lot owner;

28 (4) Shall obtain commercial liability insurance in the amount of at  
29 least \$20,000 per occurrence to cover the cost of any damage to the vehicle resulting  
30 from the person's negligence;

31 (5) Shall obtain a surety bond in the amount of \$20,000 to guarantee  
32 payment of any liability incurred under this subtitle;

1           (6)    May not employ individuals, commonly referred to as “spotters”,  
2 whose primary task is to report the presence of unauthorized parked vehicles for the  
3 purposes of towing or removal, and impounding; and

4           (7)    May not pay any remuneration to the owner of the parking lot.

5 21-10A-05.

6           If a vehicle is towed or otherwise removed from a parking lot, the person in  
7 possession of the vehicle shall:

8           (1)    Immediately deliver the vehicle directly to a storage facility  
9 customarily used by the person undertaking the towing or removal of the vehicle; and

10          (2)    Provide the owner of the vehicle or the owner’s agent immediate  
11 and continuous opportunity, from the time the vehicle was received at the storage  
12 facility, to retake possession of the vehicle.

13 21-10A-06.

14          Any person who undertakes the towing or removal of a vehicle from a parking  
15 lot in violation of any provision of this subtitle:

16          (1)    Shall be liable for actual damages sustained by any person as a  
17 direct result of the violation; and

18          (2)    Shall be liable to the vehicle owner for triple the amount paid by  
19 the owner or the owner’s agent to retake possession of the vehicle.

20          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2011.